

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: )  
THERESA J. FULLERTON ) Case No. 18-10948 JCM  
)  
) Chapter 13  
Debtor(s). )  
X

**ORDER OF COURT**  
**(Check Boxes That Apply)**

☒ Confirming Plan on Final Basis ☐ Chapter 13 Plan dated:  
  
☐ Authorizing Distributions Under Plan ☒ Amended Chapter 13 dated:  
On Interim Basis Solely as Adequate Protection 7-31-24

IT IS HEREBY ORDERED that the Chapter 13 Plan Payment is **\$4986** effective **9/22**.

IT IS HEREBY ORDERED that pursuant to the plan identified above (the “Plan”), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee’s next available distribution date after the first day of the month following the date on which this Order is entered on the Court’s docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

**1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:***

- ☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be **\$6364**, beginning **10/24**. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee’s TFS online payment program.

- ☐ B. The length of the Plan is changed to a total of at least months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.
- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

**PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.**

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor \_\_\_\_\_ shall be paid monthly payments of \$\_\_\_\_\_ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
- ☒ K. Additional Terms and Conditions:
- Unsecured creditor POT and §1325(a)(4) minimum are revised to \$1104.46
  - William H & Rebecca Staffor CL.#10 governs as pay in full with payment determined by Trustee.
  - US Bank NA CL.#6 governs plus post-petition amount of \$2998.10 per stipulation order entered 1-28-21 (Doc 59).
  - Thomas Horvath CL.#7-2 governs as to amount paid at 6.5% per previous confirmed order.
  - Erie County TCB paid per plan at 9% stat rate.
  - No payments to secured claim of Credit Acceptance CL.#1 as collateral has been surrendered.
  - Trustee COD filed 7-11-24 (Doc 116) is resolved by this order.

*\*All plan payments must be by TFS, WA, or (where eligible) ACH. Trustee reserves the right to reject money orders or cashier's checks, provided further that if she, in her discretion, presents such items for payments she may keep the funds on hold for more than 30 days before distributing on such types of payments. Debtors making payments by money order or cashier's check assume the risk that distributions under the plan will be delayed because of the failure to pay by one of the approved methods.*

**2. Deadlines. The following deadlines are hereby established and apply to this case:**

**A. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**B. Review of Claims Docket and Objections to Claims.** Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until

such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

**C. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**D. Filing Amended Plans or Other Stipulation.** Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

**3. Additional Provisions. The following additional provisions apply in this case:**

**A.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**B.** The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.


**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed *secured claim* (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

**G.** The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

**H.** The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: October 3, 2024

  
\_\_\_\_\_  
John C. Melaragno, Judge <sup>gib</sup>  
United States Bankruptcy Court

cc: All Parties in Interest to be served by Clerk

SIGNED  
10/3/24 10:27 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

In re:  
Theresa J. Fullerton  
Debtor

Case No. 18-10948-JCM  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-1

User: auto

Page 1 of 3

Date Rcvd: Oct 03, 2024

Form ID: pdf900

Total Noticed: 31

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 05, 2024:

Recip ID	Recipient Name and Address
db	+ Theresa J. Fullerton, 2078 Route 97, Waterford, PA 16441-9642
14917017	+ Marquette Savings, 920 Peach St, Erie, PA 16501-1486
14917019	+ PNC Bank, PNC Plaza, 301 Fayetteville St Suite 1100, Raleigh, NC 27601-2170
14917022	+ Thomas Horvath, 4858 North Wayside Drive, Erie, PA 16505-1358
14955789	+ William H. Stafford & Rebecca H. Stafford, 4060 Ponderosa Dr., Edinboro, PA 16412-1460
14917024	William Stafford, 2060 Ponderosa Dr., Edinboro, PA 16412

TOTAL: 6

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: ebnotifications@creditacceptance.com	Oct 03 2024 23:40:00	Credit Acceptance Corporation, 25505 W. 12 Mile Road, Suite 3000, Southfield, MI 48034-8331
cr	Email/Text: nsm_bk_notices@mrcooper.com	Oct 03 2024 23:40:00	J.P. Morgan Mortgage Acquisition Corp. c/o Rushmor, 15480 Laguna Canyon Road, Suite 100, Irvine, CA 92618-2132
cr	+ Email/Text: RASEBN@raslg.com	Oct 03 2024 23:40:00	U.S. Bank Trust National Association, Robertson, Anschutz, Schneid, Crane, 13010 Morris Rd., Suite 450, Alpharetta, GA 30004-2001
cr	+ Email/Text: RASEBN@raslg.com	Oct 03 2024 23:40:00	U.S. Bank Trust National Association, Robertson, Anschutz, Schneid, Crane & Pa, 6409 Congress Ave., Suite 100, Boca Raton, FL 33487-2853
cr	+ Email/Text: RASEBN@raslg.com	Oct 03 2024 23:40:00	U.S. Bank Trust National Association, not in its i, Robertson, Anschutz, Schneid, Crane & Pa, 130 Clinton Rd #202, Fairfield, NJ 07004-2927
14917011	+ Email/Text: EBNProcessing@afni.com	Oct 03 2024 23:40:00	Afni, Inc., Attn: Bankruptcy, Po Box 3427, Bloomington, IL 61702-3427
14917012	+ Email/Text: BKMailBayview@bayviewloanservicing.com	Oct 03 2024 23:40:00	Bayview Financial Loan, Attn: Bankruptcy Dept, 4425 Ponce De Leon Blvd. 5th Floor, Coral Gables, FL 33146-1873
14917013	Email/Text: Bankruptcy.RI@Citizensbank.com	Oct 03 2024 23:40:00	Citizensbank, Attn: Bankruptcy Department, One Citizens Plaza, Providence, RI 02903
14917014	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Oct 03 2024 23:40:00	Comenity/Fashion Bug, Attn: Bankruptcy Dept, Po Box 18215, Columbus, OH 43218
14917015	+ Email/Text: ebnotifications@creditacceptance.com	Oct 03 2024 23:40:00	Credit Acceptance, 25505 West 12 Mile Rd, Suite 3000, Southfield, MI 48034-8331
14917016	Email/Text: USbankruptcies@eriecountypa.gov	Oct 03 2024 23:40:00	Erie County Tax Claim Bureau, Erie County Courthouse, 140 West Sixth Street, Erie, PA 16501
14917009	+ Email/Text: sbse.cio.bnc.mail@irs.gov	Oct 03 2024 23:40:00	Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346

District/off: 0315-1

User: auto

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Date Rcvd: Oct 03, 2024

Form ID: pdf900

Total Noticed: 31

15657135	+ Email/Text: nsm_bk_notices@mrcooper.com	Oct 03 2024 23:40:00	J.P. Morgan Mortgage Acquisition Corp., Rushmore Servicing, PO Box 619096, Dallas, TX 75261-9096
14955407	+ Email/Text: nsm_bk_notices@mrcooper.com	Oct 03 2024 23:40:00	J.P. Morgan Mortgage Acquisition Corp., c/o Rushmore Loan Management Service, P.O. Box 55004, Irvine, CA 92619-5004
14955386	+ Email/Text: nsm_bk_notices@mrcooper.com	Oct 03 2024 23:40:00	J.P. Morgan Mortgage Acquisition Trust, c/o Rushmore Loan Management Services, P.O. Box 55004, Irvine, CA 92619-5004
14917018	+ Email/Text: nsm_bk_notices@mrcooper.com	Oct 03 2024 23:40:00	Mr. Cooper, Attn: Bankruptcy, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
14927586	+ Email/Text: nsm_bk_notices@mrcooper.com	Oct 03 2024 23:40:00	Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9096
14917794	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 04 2024 00:40:46	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14917010	+ Email/Text: RVSVCBICNOTICE1@state.pa.us	Oct 03 2024 23:40:00	Pennsylvania Department of Revenue, Department 280946, Harrisburg, PA 17128-0001
14917020	+ Email/PDF: ais.sync.ebn@aisinfo.com	Oct 04 2024 00:30:00	Syncb/care Credit, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
14954750	+ Email/PDF: ebn_ais@aisinfo.com	Oct 04 2024 00:30:01	Synchrony Bank, by AIS InfoSource, LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
14917021	+ Email/PDF: ais.sync.ebn@aisinfo.com	Oct 04 2024 00:40:49	Synchrony Bank/Sams, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
14917023	^ MEBN	Oct 03 2024 23:32:29	Trident Asset Management, Attn: Bankruptcy, Po Box 888424, Atlanta, GA 30356-0424
15518483	+ Email/Text: bkteam@selenefinance.com	Oct 03 2024 23:40:00	U.S. Bank Trust National Association, Selene Finance LP, Attn: BK Dept, 3501 Olympus Blvd, Suite 500, Dallas, TX 75019-6295
15615907	+ Email/Text: bkteam@selenefinance.com	Oct 03 2024 23:40:00	U.S. Bank Trust National Association, not in its i, Selene Finance LP, 3501 Olympus Blvd, Suite 500, Dallas, TX 75019-6295

TOTAL: 25

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		J.P. Morgan Mortgage Acquisition Corp.
cr		Nationstar Mortgage LLC d/b/a Mr. Cooper
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr	*+	Synchrony Bank by AIS InfoSource, LP as agent., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

TOTAL: 2 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

District/off: 0315-1

User: auto

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Date Rcvd: Oct 03, 2024

Form ID: pdf900

Total Noticed: 31

Date: Oct 05, 2024

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 3, 2024 at the address(es) listed below:

Name	Email Address
Chandra Marie Arkema	on behalf of Creditor J.P. Morgan Mortgage Acquisition Corp. c/o Rushmore Loan Management Services LLC tuhawkeye@msn.com carkema@squirelaw.com
Charles Griffin Wohlrab	on behalf of Creditor U.S. Bank Trust National Association not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust c/o U.S. Bank Trust National Association bkecf@friedmanvartolo.com, cwohlab@ecf.courtdrive.com
Charles Griffin Wohlrab	on behalf of Creditor U.S. Bank Trust National Association bkecf@friedmanvartolo.com cwohlab@ecf.courtdrive.com
Denise Carlon	on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper dcarlon@kmlawgroup.com
Emmanuel J. Argentieri	on behalf of Creditor J.P. Morgan Mortgage Acquisition Corp. bk@rgalegal.com
Jeffrey G. Herman	on behalf of Debtor Theresa J. Fullerton JeffreyHerman@Live.com sebaldhermancalendar@gmail.com;attorneyjeffregherman@gmail.com;r59802@notify.bestcase.com
Lorraine Gazzara Doyle	on behalf of Creditor J.P. Morgan Mortgage Acquisition Corp. ldoyle@squirelaw.com logsecf@logs.com
Maria Miksich	on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper mmiksich@kmlawgroup.com
Michael John Clark	on behalf of Creditor J.P. Morgan Mortgage Acquisition Corp. c/o Rushmore Loan Management Services LLC mclark@squirelaw.com
Michelle L. McGowan	on behalf of Creditor U.S. Bank Trust National Association mimcgowan@raslg.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Roger Fay	on behalf of Creditor J.P. Morgan Mortgage Acquisition Corp. rfay@alaw.net bkecf@milsteadlaw.com
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com
William E. Craig	on behalf of Creditor Credit Acceptance Corporation wcraig@egalawfirm.com mhazlett@mortoncraig.com;mortoncraigecef@gmail.com

TOTAL: 14